

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-10 were pending this application. By way of the Reply to Restriction Requirement of October 30, 2003, claims 7 and 8 were elected for continued prosecution without traverse and claims 1-6, 9, and 10 were canceled. By way of the Reply of April 19, 2004, claims 7 and 8 were canceled without prejudice or disclaimer and claims 11-16 have been added. By way of the Reply of October 20, 2004, claims 12 and 15 were canceled without prejudice or disclaimer. By way of this Reply, claims 17-22 have been added. Accordingly, claims 11, 13, 14, and 16-22 are pending in this application. Claims 11 and 14 are independent. The remaining claims depend, directly or indirectly, from any of claims 11 and 14.

Claim Amendments

Claims 11 and 14 have been amended in this reply to clarify the present invention recited. Support for these amendments may be found in, for example, the descriptions on page 3, lines 24, through page 4, line 3, of the original specification. Claims 17-22 have been added in this Reply. Support for these amendments may to the new claims be found in, for example, the descriptions on page 11, lines 19-26, page 15, lines 1-6, of the original specification. No new matter has been added by this reply.

Rejection(s) under 35 U.S.C § 112

Claims 11, 13, 14, and 16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 11 and 14 have been amended in this Reply to clarify the present invention recited. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C § 103

Claims 11, 13, 14, and 16 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,047,051 (“Ginzboorg et al.”). Independent claims 11 and 14 have been amended in this Reply to clarify the present invention recited. Accordingly, to the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

Independent claim 11, as amended, recites a scheme for charging for distributions of a service program on a network system. The concept of the present invention as recited in claim 11 is based on an expanded client/server model wherein one of terminals (i.e., clients) includes functionality to operate as a server (i.e., referred to as a terminal server in the specification) for other terminals. Specifically, as shown in Fig. 1, for example, a billing system of the present invention includes a server 10, a server terminal 20, and a plurality of terminals 30. The server 10 may store a service program therein. The server 10 sends the service program 41 together with information regarding a number of other terminals permitted to receive the service program 41 (hereinafter “permission

information") over a communication network. The server terminal 20, which is originally one of terminals 30, is entitled to distribute to other terminals 30 the service program 41 transferred from the server 10 based on the permission information. The server 10 subsequently charges the server terminal 20 for all the distributions to each of the other terminals 30. Advantageously, the present invention allows the server 10 to charge *only* the server terminal 20, preventing unlimited distribution of the service program 41. Also, a load on the server 10 can be reduced. See page 6, line 31 through page 8, line 17 and page 20, lines 25-30 of the original specification.

In view of the above, independent claim 11, as amended, includes the limitations: "a server for sending a service program and information regarding a number of other terminals permitted to receive the service program over a communication network in response to a predetermined request," "one of the plurality of terminals behaves as a server terminal," and "the server charges the server terminal for the number of other terminals permitted to receive the service program."

Further, independent claim 14, as amended, recites another scheme for charging for distributions of a service program on a network system. Some thing that is different from claim 11 is that a billing server charges terminals each receiving the service program for distribution of the service program in response to notification from the terminals. Specifically, claim 14 includes the limitations: "a server for sending a service program and information regarding a number of other terminals permitted to receive the service program over a communication network in response to a predetermined request," "one of the plurality of terminals behaves as a server terminal," and "a billing server for charging the other terminals for the distribution."

Ginzboorg et al. fails to teach or suggest at least the above limitations recited in amended independent claims 11 and 14. Ginzboorg et al. merely discloses a scheme of centralized charging for using multimedia services. Specifically, Ginzboorg et al. does not teach or suggest transferring any program from a server to a server terminal, wherein the server terminal includes functionality to decide to which terminals to forward the service program. Further, none of the customer terminals CT disclosed in Ginzboorg et al. includes functionality to operate as a server terminal. In fact, each of the customer terminals CT disclosed in Ginzboorg et al. appears to be nothing more than a graphical user interfaces with functionality to browse the Internet. Furthermore, although a gateway computer GW shown in Fig. 3b is interposed between a customer terminal CT and the server SP, the gateway computer GW does not include functionality to receive and process permission information. See Ginzboorg et al., col. 7, lines 13-21. Rather, the gateway computer GW shown in Ginzboorg et al. merely acts as a router for passing information from the customer terminal CT to the server SP. The gateway computer GW is not the same as, or equivalent to, the terminal server as recited claims 11 and 14. Thus, Ginzboorg et al. fails to show or suggest a server terminal as recited in amended independent claims 11 and 14.

Even assuming, *arguendo*, that the gateway computer GW recited in Ginzboorg et al. corresponds to the server terminal recited in amended independent claims 11 and 14, Ginzboorg et al. fails to teach or suggest sending permission information as recited in amended independent claims 11 and 14. Specifically, passed through the gateway computer GW is information corresponding to the service (e.g., video data) requested by the customer terminal CT. The gateway computer GW never distributes the information to

the customer terminal CT based on permission information.

Moreover, the Applicant respectfully submits that the invention as recited in amended independent claims 11 and 14 is not rendered obvious by Ginzboorg et al. because Ginzboorg et al. teaches away from the invention as recited. Specifically, Ginzboorg et al. describes a system that requires communication between the server SP and the customer terminal CT to be maintained. As the number of customer terminals increases, the load on the server SP necessarily increases. See Ginzboorg et al., col. 7, lines 13 through line 36. In contrast, the invention as recited in the amended independent claims 11 and 14 is designed to *decrease* the load on the server SP by using one or more server terminals. See pages 7, lines 18-25 of the original specification.

In view of the above, Ginzboorg et al. fails to show or suggest the present invention as recited in amended independent claims 11 and 14. Moreover, Ginzboorg et al. actually teaches away from the recited invention. Thus, amended independent claims 11 and 14 are patentable over Ginzboorg et al. Further, the dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 11, 13, 14, and 16 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,477,708 (“Sawa”). Independent claims 11 and 14 have been amended in this Reply to clarify the present invention recited. Accordingly, to the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As discussed above, independent claim 11, as amended, includes the limitations: “a server for sending a service program and information regarding a number of other terminals permitted to receive the service program over a communication network in

response to a predetermined request,” “one of the plurality of terminals behaves as a server terminal,” and “the server charges the server terminal for the number of other terminals permitted to receive the service program.”

Further, independent claim 14, as amended, includes the limitations: “a server for sending a service program and information regarding a number of other terminals permitted to receive the service program over a communication network in response to a predetermined request,” “one of the plurality of terminals behaves as a server terminal,” and “a billing server for charging the other terminals for the distribution.”

Sawa fails to teach or suggest at least the above limitations recited in amended independent claims 11 and 14. Sawa merely discloses a scheme of a bidirectional communication system allowing multimedia data to be transferred between clients and a broadcast server. Specifically, Sawa does not also teach or suggest the server terminal as recited in claims 11 and 14. The client manager server 4 noted by the Examiner simply performs a client authentication process and manages each client’s entry to the bidirectional communication system. See col. 3, lines 44-7, and col. 4, line 20 through col. 5, line 5. Further, the client manager server 4 does not derive from client terminals 2a-2n. None of the client terminals includes functionality to operate as a server terminal.

Further, Official Notice was taken that it has been common knowledge for an entity to charge another entity for services received in response to notification. Applicant respectfully disagrees with the Official Notice and requests that the Examiner provide evidence to support this position either in the form of prior art or by providing a declaration of personal knowledge pursuant to 37 C.F.R. 1.104 (d) (2).

In view of the above, Sawa fails to show or suggest the present invention as recited

in amended independent claims 11 and 14. Thus, amended independent claims 11 and 14 are patentable over Sawa. Further, the dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested. Finally, entry and allowance of new claims 17-22 is respectfully requested. As new claims 17-22 depend, directly or indirectly, from independent claim 11 or 14, these claims are patentable for at least the reasons set forth above.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04730.002001).

Respectfully submitted,

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Jonathan P. Osha L-# T. Chyan Liang
for Jonathan P. Osha, Reg. No. 33,986 #48,885
Osha ° Liang LLP
One Houston Center, Suite 2800
1221 McKinney Street
Houston, TX 77010
Telephone: (713) 228-8600
Facsimile: (713) 228-8778